

## MINUTES

FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

4/17/2006 4:30 pm

SUE BEITIA, CLERK

CASE NUMBER: CR 03-00048SOM  
CASE NAME: USA vs. (01) Deon Joseph  
ATTYS FOR PLA: Beverly Wee Sameshima  
Ann Mylene Oconer (ICE)  
ATTYS FOR DEFT: 01 Louis Ching  
Carter Lee (USPO)

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JUDGE: Susan Oki Mollway

REPORTER: Debra Chun

DATE: 4/17/2006

TIME: 11:20 - 12:30

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COURT ACTION: EP: Sentencing to Counts 1 and 2 of the Indictment; Government's Motion for Downward Departure; Defendant's Motion for Withdrawal and Substitution of Counsel -

Defendant ( 01) Deon Joseph present and in custody.

Discussion held re: Defendant's objection to the PSR (role in the offense).

Defendant requests a jury trial - Denied.

Defendant's Sentencing Exhibit A admitted.

Defendant requests to testify.

Court advises the defendant of the consequences if he elects to testify.

Defendant requests that the Court accept the offer of proof.

The Presentence Investigation Report is adopted and placed under seal.

Government's Motion for Downward Departure - Granted.

Allocution by the Defendant.

ADJUDGED:

Imprisonment: 53 Months as to each of Counts 1 and 2, with both terms to run concurrently.

Supervised Release: 4 Years as to each of Counts 1 and 2, with both terms to run concurrently.

Special Assessment: \$200.00 (\$100.00 per count).

CONDITIONS:

- ▶ That the defendant shall abide by the standard conditions of supervision.
- ▶ That the defendant not commit any crimes, federal, state, or local (mandatory condition).
- ▶ That the defendant not possess illegal controlled substances (mandatory condition)
- ▶ That the defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of commencement of supervision and at least two drug tests thereafter. The defendant to submit up to a maximum of one valid drug test per day as directed by Probation Office.
- ▶ That the defendant shall cooperate in the collection of DNA as directed by the probation officer.
- ▶ That the defendant shall participate in and comply with substance abuse treatment which includes drug and alcohol testing in a program approved by the Probation Office. The defendant is to refrain from the possession and/or use of alcohol while participating in substance abuse treatment.
- ▶ That the defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon.
- ▶ That the defendant submit to removal proceedings, including deportation or exclusion, as required by the Department of Homeland Security. The defendant shall not enter the United States without proper authorization.

JUDICIAL RECOMMENDATIONS: 1) FDC Honolulu; 2) Vocational and Educational Programs; 3) 500 Hour Comprehensive Drug Treatment Program.

Defendant advised of his right to appeal

Defendant's Motion for Withdrawal and Substitution of Counsel - Denied.

Defendant advised to bring his motion to proceed pro se before the 9<sup>th</sup> CCA.

Defendant remanded to the custody of the USM.

Mittimus forthwith.

Submitted by: Toni Fujinaga, Courtroom Manager.